

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

GEORGE J. MISKE,
Plaintiff and Respondent,

v.

ROBERT H. BISNO et al.,
Defendants and Appellants.

A127596, A127761,
A128167

(Alameda County
Super. Ct. Nos. RG05-247811,
RG06-252359, RG06-252362)

ORDER MODIFYING OPINION
AND DENYING REHEARING

THE COURT:

On the court's own motion, it is ordered that the opinion filed herein on April 12, 2012, be modified as follows:

On page 10, line 10 of the second full paragraph, the words "and in their capacity as partners" are deleted so that the sentence reads:

"Preference Plaintiffs sued in their own names, whereas respondent Miske sued as assignee of Haldir's fraud claims; hence, the issues are not identical and therefore collateral estoppel is not available."

There is no change in the judgment. The petitions for rehearing are denied.

Dated:

Reardon, Acting P.J.